

REMARKS/ARGUMENTS

The Examiner is thanked for the Final Office Action dated July 11, 2006. The status of the application is as follows:

- Claims 1-8 and 10-11 stand rejected under 35 U.S.C. 102(e) as being anticipated by Bates et al. (US 6,721,953).
- Claims 9 and 12-19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al.

The rejections to the claims are discussed below.

Information Disclosure Statement (IDS)

Applicant's representative thanks the Examiner for the telephone conferences on Tuesday, August 22, 2006 and Thursday, August 24, 2006 regarding the IDS in which the Examiner indicated that the international search report mailed on January 14, 2003 was received by the US Patent and Trademark Office and has been placed in the application file.

The Anticipation Rejection

Claims 1, 2, and 6 stand rejected under 35 U.S.C. 102(e) as being anticipated by Bates et al. (US 6,721,953). This rejection should be withdrawn because Bates et al. does not teach each and every element as set forth in the subject claims.

In particular, independent claim 1 recites a system for enhanced programming channel-selection control that includes:

- a selector for selecting the programming input to process for display,
- a timer for timing the amount of time each channel is selected for display,
- a database for recording channel-selection durations, and a processor in communication with the database for periodically compiling a program selection control list, wherein the program selection control list includes channels selected and assigned weight values relative to other listed channels, said

weighted values calculated according to a pre-determined algorithm from the channel-selection durations stored on the database.

Bates et al. does not teach such claimed aspects.

The Office Action asserts that Bates et al., column 7, l. 61 – column 8, l. 33, and FIGURE 8, teach a timer for timing the amount of time each channel is selected for display and a database for recording channel-selection durations. However, this section of Bates et al. and FIGURE 8, including the discussion thereof, do not teach or suggest these claimed aspects.

With reference to FIGURE 5, Bates et al. discloses setting an initial channel (See col. 6, l. 66 – col. 9) and starting a timer to measure the amount of time or duration the channel is viewed by a user (See col. 7, lines 9-12). When a channel change event is received (when the channel is changed), the time duration measured by the timer is compared with a threshold time duration to determine whether program information for the program just viewed should be added to the favorite program table 50. (See col. 7, lines 22-31). (The favorite program table 50 includes a channel identifier 54, a time slot identifier 58 (e.g., indicating the program is on from 8:00 am to 8:30 am), and a watched count field 60 that identifies a number of times a program is watched. (See col. 6, lines 6-15, FIGURE 3)). The new channel is then set as the current channel and the timer is re-started to monitor the viewing time duration of the new channel. (See col. 7, lines 32-35). This process of re-starting the timer is repeated upon receiving subsequent channel change events. (See col. 7, lines 35-36).

Bates et al., column 7, line 61, through column 8, line 33, discusses in greater detail the above routine (referred to as process favorite routine 122 in Bates et al.) for determining whether corresponding program information is added to the favorite program table 50. In this section, Bates et al. discloses determining whether a channel was viewed for sufficient time duration to deem the program a “favorite” program. (See col. 7, l. 64 –

col. 8, l. 1). This is achieved through the above-discussed timer. If the timer has not exceeded the threshold, the routine 122 terminates. (See col. 8, lines 5-7). If the timer exceeds the threshold, then either a new record is created in the favorite program table 50 and the count field 60 is initially set to one or the count field 60 of an existing record 53 is incremented by one. (See col. 8, lines 7-23). In either instance, the timer is re-started. (See col. 7, lines 32-35). Bates et al. does not teach or suggest recording the time duration measured by the timer in a database as recited in the subject claim. At most, a time slot (e.g., 8:00-8:30) indicating a start and end time for the program is entered into the table 50. (See col. 6, lines 54-56). However, the time slot of a program provides no indication of the duration of time the program was viewed by the viewer.

The discussion of FIGURE 8 of Bates et al. discloses a re-order data routine 156. The re-order data routine 156 re-orders the records 53 in the favorite program records table 50 based in the value of the count in the above noted count field 60. (See col. 8, lines 65-67). As previously described, the count field 60 is incremented by one when the timer exceeds the threshold. (See col. 8, lines 19-23). For each program record in the favorite program table 50, it is determined whether the channel field 54 matches the channel fields in a program record in downloaded program data. (See col. 9, lines 10-13). (The downloaded program data includes electronic program information, including a channel, program name, and program start and end times, which identify the time slot. (See col. 6, lines 39-65)). Downloaded program data and a matching favorite program record are stored in a results file, organized by frequency of access as determined by the count value in the count field 50. (See col. 9, lines 15-25). However, this section of Bates et al. does not contemplate recording channel-selection durations in a database as recited in the subject claim.

It is further asserted, in the subject Office Action, that Bates et al. teaches a processor in communication with the database for periodically compiling a program selection control list that includes channels selected and assigned weight values relative to other listed channels according to a pre-determined algorithm from the channel-

selection durations stored on the database. FIGURES 2, 3, and 8, and column 7, l. 61 – column 8, l. 33, are referenced to support this assertion. However, these sections of Bates et al. do not teach these claimed aspects.

As discussed *supra*, Bates et al. FIGURE 3 describes the favorite program table 50 and column 7, line 61, - column 8, line 33, describes the routine 122 for adding program records to the favorite program table 50. Also discussed *supra*, FIGURE 8 teaches re-ordering the programs in the table 50 based on a program viewing count, and generating a results file, which includes each favorite program along with corresponding program information sorted by the view count. Hence, Bates et al. teaches sorting favorite programs (not channels) based on program view count. However, Bates et al. does not teach or suggest assigning channel weight values as recited in the subject claim. Furthermore, such channel weight values are based on the channel-selection durations, which Bates et al. does not teach or suggest, as previously discussed,

In the Office Action, it is further asserted that Bates et al. teaches a selector for selecting the programming input to process for display. As provided in the reply to the previous Office Action, Bates et al. does not teach or suggest a selector for selecting the programming input to process for display as recited in claim 1. In the subject Office Action, it is submitted that Bates et al. teaches such aspects in FIGURE 1 and 2 and, in particular, at column 5, lines 15-17, which provide "... user input is received from a viewer via interface 40, e.g., to receive input via front panel buttons and/or a remote control." From this section of Bates et al., the interface 40 merely behaves as a conduit through which a user enters input. However, these sections of Bates et al. do not teach or suggest that the interface 40 is a selector that selects the programming input to process for display.

Since Bates et al. does not teach or suggest each and every element as set forth in claim 1, Bates et al. does not anticipate claim 1. Therefore, it is respectfully requested that the rejection of claim 1 be withdrawn.

Claim 2 (which depends from claim 1) recites a higher weight value is assigned to channels having greater timed viewing durations and wherein the channels listed on the program selection control list are listed beginning with the channel having the highest relative weight value. The subject Office Action contends that column 10, lines 1-16, and column 13, lines 14-37, teach such aspects. However, these sections of Bates et al. do not teach or suggest such aspects.

In particular, column 10, lines 1-16, discloses that the favorite program records stored in the results file are first sorted by time slot and then by relative frequency of access (or the count value). Then the scroll rate, which is the rate at which program information is presented to the viewer (See Abstract), is progressively incremented for each subsequent program record in each time slot, which ensures that each additional program in the same time slot scrolls at a faster rate. Column 13, lines 14-37, merely discusses various alternate embodiments. However, these sections Bates et al. are silent regarding assigning higher weight values to channels based on viewing durations and sorting the channels based on such weights as recited in claim 2. Accordingly, this rejection should be withdrawn.

Claim 3 (which depends from claim 1) recites the system includes a viewer preference profile. In the Office Action, it is asserted that Bates et al. teaches such aspects and FIGURE 8 and column 7, l. 61 – column 8, l. 33, are referenced to support this assertion. However, these sections of Bates et al. do not teach or suggest such aspects. As discussed above, FIGURE 8 describes a re-order data routine 156 and column 7, l. 61 – column 8, l. 33, describes a process favorite routine 122. These routines are used to determine whether to add program information to the table 50 and to sort the data in the table 50. Thus, rather than being a viewer preference profile, the sorted or unsorted table 50 is simply a listing of program records automatically chosen based on a timer threshold. Accordingly, the rejection of claim 3 should be withdrawn.

Furthermore, claims 2-8, 10 and 11 depend from claim 1 and, by virtue of their dependency, are allowable for at least the reasons discussed above in connection with claim 1.

The Obviousness Rejection

Claims 9, and 12-19 stand rejected under 35 U.S.C. 103(a) as being unpatentable in view of Bates et al. This rejection should be withdrawn because Bates et al. does not teach or suggest the limitations of the subject claims.

Claim 9 (which depends from claim 7) recites the system is configurable for individual use by more than one viewer, wherein the processor uses a viewer identity as a factor in determining which program selection control list to use. In the Office Action, it is conceded that Bates et al. does not teach or suggest such aspects. However, it is asserted that it would be obvious to duplicate the user and/or system and that doing so would render the claimed invention. It is respectfully submitted that duplicating the user and/or system would not make the system of Bates et al. any more configurable for individual use by more than one viewer then before such duplication, and, as conceded, Bates et al. does not teach or suggest such aspects. In addition, modifying Bates et al. as suggested would result in a change in the principle of operation of Bates et al. since Bates et al. teaches a system/method for dynamically adjusting program information scroll rates without regard to the user's identity and, thus, the Bates et al. alone is not sufficient to render the claims prima facie obvious. (See MPEP §2143.01 – "The Proposed Modification Cannot Change the Principle of Operation of a Reference"). In view of the foregoing, this rejection should be withdrawn. Moreover, claim 9 depends from claim 1 and, by virtue of this dependency, is allowable for the reasons discussed above in connection with claim 1.

Independent claim 12 recites a method including maintaining a viewing-history record of the amount of time each displayed program channel is displayed by the television system, ranking each displayed channel relative to the other displayed channels

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according to the display time in the viewing-history record, creating a program selection control list for one of a plurality of viewers based on the displayed channel ranking. As discussed above, Bates et al. does not teach or suggest maintaining a history of the amount of time each displayed channel is displayed or a creating a program selection control list for multiple viewers as recited in the subject claim. Hence, Bates et al. cannot teach or suggest claim 12. Therefore, applicant respectfully requests withdrawal of the rejection of claim 12.

Claim 13-19 depend from claim 12 and, by virtue of their dependency, are allowable for at least the reasons discussed above in connection with claim 12.

Conclusion

In view of the foregoing, it is submitted that claims 1-19 distinguish patentably and non-obviously over the prior art of record. An early indication of allowability is earnestly solicited.

Respectfully submitted,

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